IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.612 OF 1992

M/s.Godrej & Boyce Manufacturing

Co. Ltd. & Ors. ...Petitioners

Versus

Dhansukhlal Amritlal Parekh & Ors. ...Respondents

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Mr.K.D.Mehta with Mr.A.J.Dhapsekar i/b
Ms.Payne & Co. for Applicants.

Mr.A.K.Abhyankar, Sr.Counsel with Mr.Jaideep
Mitra i/b M/s.Desai Chinoy for Respondents.

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CORAM: A.M.KHANWILKAR, J.

APRIL 7, 2006.

P.C.

1. This Revision Application takes exception to the order passed by the Trial Judge dated 2nd April 1992 in Chamber Summons No.303 of 1989. By the said Chamber Summons, the Applicant/Defendant had prayed for rejection of plaint and dismissal of the suit in terms of Order VII Rule 11 of the Code of Civil Procedure and striking of the pleadings

under Order VI Rule 16 of the Code and other incidental reliefs. The Trial Judge, in substance, has observed that the reliefs claimed by the Applicant/ Defendant can be considered after completion of pleadings as well as inspection of documents is done.

2. Insofar as the objection regarding rejection of Plaint in terms of Order VII Rule 11(b) of the Code, the Trial Judge has observed that the said issue will be tried first as a preliminary issue as to whether the Suit is barred by any law for the time being in force. Viewed thus, no interference is warranted in the said approach of the Trial Court. Instead, as has been observed in the companion Appeal disposed of today, the Trial Judge may proceed to dispose of the Suit as expeditiously as possible, preferably by end of December 2006, keeping in mind that the Suit pertains to year 1988. All questions are left open to be decided in the said Suit on its own merits in accordance with law.

3. Needless to observe that it will be open to the Applicant/Defendant to persuade the Court to

frame preliminary issue as may be advised and the same aspect be decided on its own merits in accordance with law.

4. Revision disposed of on the above terms.

A.M.KHANWILKAR, J.